

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-211337

DATE: July 21, 1983

MATTER OF: Evans Engine & Equipment Co., Inc.

DIGEST:

Protest from firm not in line for award if protest is upheld is dismissed because protester does not have requisite direct and substantial interest with regard to award to be considered an "interested party" under GAO Bid Protest Procedures.

Evans Engine & Equipment Co., Inc. (Evans), protests the award of a contract to NC Machinery Company, Inc. (NC), under invitation for bids (IFB) No. 5-594, issued by the Bureau of Indian Affairs, Department of the Interior, for the procurement of two diesel engine backhoe excavators.

Evans argues that NC should not have been awarded the contract because its bid failed to show compliance with certain IFB specifications, and NC may have failed to complete the IFB's Buy American Act certification.

Eight bids were received. Since three bidders qualified their bids, only five were considered for award. Of these five bidders, NC was the low bidder at \$206,832, and Evans was the fifth low bidder at \$292,906.

Evans is not eligible to maintain its protest. A party must be "interested" in order to have its protest considered by our Office. 4 C.F.R. § 21.1(a) (1983). Whether a party is sufficiently interested depends upon its status in relation to the procurement. Evans was not the second low eligible bidder, and the firm has not protested award to the other three eligible bidders lower than the protester. Consequently, Evans is not an "interested party" since it would not be in line for award if its protest were upheld.

Pluribus Products, Inc., B-210444, March 7, 1983, 33-1 CPD 226.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel